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August 17, 2011

Honorable John Gleeson  
United States District Judge  
United States District Court  
for the Eastern District of New York  
225 Cadman Plaza East, Room 727S  
Brooklyn, NY 11201-1818

**Re: *In re Air Cargo Shipping Services Antitrust Litigation*, MD-06-1775**

Dear Judge Gleeson:

Plaintiffs in the above-referenced action submit this letter in accordance with this Court's Order to Show Cause of June 24, 2011, and respectfully request that the Court enter an order rejecting as untimely the request of UCI Airfreight Japan, Inc. ("UCI") for exclusion from the settlement class under plaintiffs' settlement agreements with (1) All Nippon Airways Co., Ltd. ("ANA"), (2) Thai Airways International Public Company Limited ("Thai"), (3) Cargolux Airlines International S.A. ("Cargolux"), and (4) Qantas Airways Limited ("Qantas") (collectively, the "Settling Defendants").

Under the Court's order of March 14, 2011 [ECF No. 1420], requests for exclusion were required to be postmarked by May 27, 2011. UCI's request for exclusion from the settlement class, dated May 23, 2011, was postmarked June 1, 2011, and received June 8, 2011. *See* Exhibit A to the Declaration of Robert N. Kaplan, dated August 17, 2011 ("Kaplan Dec.") submitted herewith. Following the fairness hearing of June 23, 2011, on June 24, 2011, this Court issued an order for UCI to show cause in writing on or before August 5, 2011, why its request for exclusion from plaintiffs' settlement agreements with the Settling Defendants should not be disregarded due to its untimeliness (the "June 24 Order"). Kaplan Dec., Exhibit B. Counsel for the Settling Defendants were directed to serve UCI with the June 24 Order via overnight courier on or before July 15, 2011, and to file proof of service with the Court. *See id.* Such service was made, and a certificate of service was filed with the Court on July 14, 2011 [ECF No. 1523] (Kaplan Dec., Exhibits C-D).

Neither plaintiffs nor Settling Defendants' counsel have received any response from UCI, and they are unaware of any response. Kaplan Dec., ¶ 7.

Consequently, it is respectfully submitted that the amended final judgments dismissing ANA, Cargolux and Thai that were entered by this Court on August 5, 2011 [ECF Nos. 1537-39] and the final judgment dismissing Qantas that was entered by this Court on August 4, 2011 [ECF No. 1534] (Kaplan Dec., Exhibits E-H), with exhibits listing the opt-outs, should not be altered.





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Plaintiffs request that the Court enter an order rejecting the request of UCI for exclusion from the settlement class with respect to the Judgments entered with the Settling Defendants.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Robert N. Kaplan', with a long, sweeping horizontal stroke at the end.

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